

**From:** Shenk, Kelly [shenk.kelly@epa.gov]  
**Sent:** 9/16/2018 5:27:15 PM  
**To:** Beck, Nancy [Beck.Nancy@epa.gov]  
**CC:** Bolen, Derrick [bolen.derrick@epa.gov]  
**Subject:** RE: Request from Region 3 Administrator Cosmo Servidio

**Flag:** Flag for follow up

That's great news, Nancy! You spoke with this group via VTC last year and they really appreciated the candid discussion. Last year's discussion centered around assessments for chlorpyrifos, glyphosate, and atrazine and on clarifying Worker Protection Standard in terms of who is responsible for training – the farmer or the broker who manages the contract workforce. So updates on where we are with pesticide assessments and WPS are good priorities to hit on. We are fine with you and your staff giving this update by VTC since time on the agenda is fairly short (about 10 minutes). So let us know what works best. Below, is the more detailed summary from your discussion with them last year, FYI.

Summary of Discussion and Action Items from LAST YEAR'S RA meeting with Ag Secretaries – September 28, 2017.

**Worker Protection Standards:**

- Nancy Beck informed the group that EPA plans to extend the compliance date (EPA granted the NASDA petition asking for more time to outreach to the regulated community) and look at other issues in the WPS rulemaking. EPA will engage stakeholders through an Advance Notice of Proposed Rulemaking (ANPRM) to get input on issues such as applicator exclusion zones, designated representative issue, minimum age, etc.). The ANPRM will be released in October or November.
- DE is most concerned with who is responsible for ensuring training happens -- the farmer or brokers who contract with farmers and hire workforce. DE has brokers who contract with farmers who grow crops. The brokers hire the workforce to harvest the crop. These brokers work up and down the eastern seaboard. Brokers say they are not subject to the same enforcement in other regions that they are experiencing in R3. Enforcement needs to be the same across the US.
- The question is what is the responsibility of the farmers, in training the workers they hire, even when they are contracting labor.
- DE is also concerned with the timing of any changes to the WPS regulations. Any changes would need to be finalized by January in order to give states time to do additional training and education before growing season starts.
- DE emphasized the need for consistent and comprehensive education and outreach from both states and EPA is necessary.

**ACTION:** DE Ag Secretary Scuse will work with RA to develop a set of issues to send to Nancy Beck for consideration in the ANPRM.

**ACTION:** EPA will make a practice to inform the State Ag Departments (at Secretary level), along with the State Environmental Agencies, when EPA is moving forward with conducting inspections or taking compliance or enforcement actions against farmers on the Worker Protection Standards regulations. Note that EPA only inspects if referred by the state.

**ACTION:** EPA will work with states to ensure consistent education and outreach at key ag events. EPA will conduct a joint training with DE at Ag Week and at the Watermelon Association training.

**Pesticide Reviews:**

- EPA will be re-evaluating over 700 pesticides by 2022 based on sound science.
- DE wants to ensure the continued use of chlorpyrifos, glyphosate, and atrazine. DE says that there is no scientific basis for removing the use of these pesticides, indicating that atrazine has been evaluated by EPA twelve times.

**ACTION:** EPA will finalize human health risk assessments for atrazine and glyphosate by the end of the year. Nancy Beck offered to brief the group on the results of the studies and other new developments as they become available.

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**From:** Beck, Nancy  
**Sent:** Friday, September 14, 2018 7:13 PM  
**To:** Shenk, Kelly <[shenk.kelly@epa.gov](mailto:shenk.kelly@epa.gov)>  
**Cc:** Bolen, Derrick <[bolen.derrick@epa.gov](mailto:bolen.derrick@epa.gov)>  
**Subject:** Re: Request from Region 3 Administrator Cosmo Servidio

Hi Kelly,  
I'd be happy to chat with the group, and bring our experts as well, if it works for the schedule. I'm looping in Derrick to assist with that. If it works out, might you send a list of hot topics the group would like us to address?  
Regards,  
Nancy.

Sent from my iPhone